

MINUTES
BOARD OF ZONING APPEALS
January 28, 2019

The Warsaw Board of Zoning Appeals met for regular session on Monday, January 28, 2019 at 7:00 p.m. in the City Council Chambers, 102 S. Buffalo Street, Warsaw, Indiana. The following members were present or excused: Valentine (City Attorney)

Present: Tom Allen, Rick Keeven, Dan Smith, Tammy Dalton, Jeff Johnson, Scott Reust (City Attorney), Justin Taylor (Assistant City Planner), Kim Arnold (Recording Secretary)

Absent: None

CALL TO ORDER

Allen called the meeting to order.

Mayor Thallemer presented the Oath of Office to Tammy Dalton and Tom Allen

Motion was made by Dalton to retain the same officers as 2018. Smith seconded the motion. The motion carried unanimously. Tom Allen is President. Rick Keeven is Vice President.

The 2019 Meeting Schedule was presented for approval. It was unanimously approved by members.

The November 23, 2018 meeting minutes were reviewed and presented for approval. Dalton made a motion to approve the November 23, 2018 meeting minutes as presented; Johnson seconded the motion. The motion carried unanimously.

ORAL OR WRITTEN COMMENTS OR REPORTS

None

OLD BUSINESS

None

NEW BUSINESS

Item 2019-01-01 – Variance from Development Services – 50 Little Eagle Dr. - Allow Variance from Side and Rear Setbacks – Coplen Construction – Allen turned the meeting over to Senior Planner Taylor. The petitioner is requesting a Variance from Development Standards to permit a pergola and a pool to be located closer than 25' feet from the rear property line along a waterway. The proposed layout shows the pool 12' from the property line and the pergola 20' from the property line. If the petitioner's request is granted, local and state codes regarding pools will still need to be followed.

12.0. - Residential districts.

Table 3. Residential Uses and Requirements - One Family Dwelling

Zoning District	R-1
Minimum Lot Area (sq. ft. unless noted)	
Maximum Height of Buildings	35'
Minimum Front Yard	25' (2)
Minimum Side Yard	7' (1)
Minimum Rear Yard	25'
Maximum Lot Coverage	45%

* 25 feet where yard adjoins a lake or waterway

The 25' setback is intended to protect the character and esthetic quality of our waterways and lakefronts. A pool, being flush with the ground, will not have visual impact on the waterway. The proposed pergola will also have a minimal impact, as it is an open structure.

Based on the information provided and the Findings of Fact it is the recommendation of the Planning Department that the Board could reasonably provide a positive finding of fact in order to grant approval for the requested variance from development standards.

Allen opened the meeting to any person wishing to speak in favor of the petition. Pete Lieffring, the property owner and Doug Harvey, of Coplen Construction, were present to explain the request and answer any questions. No other person was present to speak in favor of the request. Allen closed the meeting to those wishing to speak in favor and opened it to any person wishing to speak in opposition of the request. Jen Wilfong, neighbor, would like other options for pool placement to be considered. She does not want the pool to obstruct her view. She feels all other pools on Winona Lake are placed directly behind the residences. She feels that the change in grade to 3'4" with the sidewalk will impair her view and impact her property value. Lieffring plans to have a hard cover on the pool and no fence. Wilfong feels it will still be an undesirable view from her home. Discussion followed. Allen closed the meeting to the public as no other person was present to speak in opposition of the request. The Board discussed the request. Dalton abstained from the discussion. Keeven made a motion to approve the request with contingencies of the pergola must be 25' from the rear property line, no opaque fence, as the owner is planning to have a hard cover; the grade change will be limited to 2'2" on the south east channel corner. Johnson seconded the motion with contingencies. The motion passed unanimously with Dalton abstaining.

OTHER MATTERS THAT MAY COME BEFORE THE BOARD

- Next meeting will be February 25, 2019

Keeven made a motion to adjourn the meeting. Dalton seconded the motion. The motion carried unanimously.

Tom Allen, President

Kim Arnold, Recording Secretary